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18 Attorneys for Plaintiff

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HOWARD B. HIGGINS, an individual,

Plaintiff,

vs.

FARR FINANCIAL INC., a California Corporation, ZENITH INVESTMENT GROUP LLC, a California Limited Liability Company, AMAECHI GEORGE OZOR, an individual, and JOHN/JANE DOES I-X, individuals or entities whose identities are unknown,

Defendants.

Case No. C 07-02200 JSW

**STIPULATION TO CONTINUE
AND PROPOSED ORDER**

1 Defendant, Farr Financial, Inc. ("Farr") and Plaintiff Howard B. Higgins, by and
2 through their respective attorneys, submit this stipulation, in which they agree that oral
3 argument on Farr's Motion to Dismiss Counts IX and XI of Plaintiff's Second Amended
4 Complaint, currently set for 9:00 a.m. on March 6, 2009, may be continued to 9:00 a.m.
5 on May 1, 2009.

6 Good cause exists to continue oral argument as set forth in this stipulation.
7 Plaintiff's local counsel, M. Van Smith, has suffered a heart attack and is currently in
8 intensive care. Plaintiff's other counsel, Norman G. Reece, Jr., learned about Mr. Smith's
9 health concerns just yesterday. Mr. Reece learned that Mr. Smith is not expected to be
10 available for oral argument until May of this year. Plaintiff's attorneys had planned to have
11 Mr. Smith appear on March 6th and present oral argument in opposition to Farr's motion
12 to dismiss. Mr. Reece cannot be in San Francisco for oral argument because of other
13 commitments he has made in reliance on Mr. Smith's being available for oral argument on
14 March 6, 2009. First, Mr. Reece has some family commitments out of state on March 6,
15 2009. Second, Mr. Reece has been invited to and was planning to attend a wedding for
16 some close friends on March 7, 2009. The wedding is likewise out of state. The May 1st
17 date for oral argument accommodates the schedules of all counsel. If Mr. Smith is not fully
18 recovered by that time, Mr. Reece will plan to be present on May 1, 2009.
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21 Counsel for Farr checked the availability dates for the Court on the Court's website.
22 May 1, 2009 is the earliest available date, according to the website. Granting the requested
23 change to the hearing date will not alter any hearing or other matter set by the Court.
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1 IT IS SO STIPULATED.

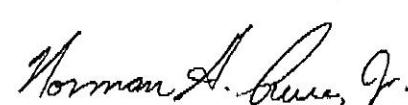
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3 Dated: March 5, 2009

LAW OFFICES OF DEK KETCHUM

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5 By: 
6 JAY M. GOLDMAN
7 Attorneys for Defendant, Farr Financial, Inc.

8 Dated: March 5, 2009

9 NORMAN G. REECE, P.C.

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11 By: 
12 NORMAN G. REECE, JR.
13 Attorney for Plaintiff, Howard B. Higgins

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15 **ORDER**

16 Good cause appearing, **IT IS ORDERED** that the stipulation is **GRANTED**. Oral
17 argument on Farr Financial's Motion to Dismiss shall be continued to 9:00 a.m. on May
18 1, 2009.

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20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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22 Dated: March 5, 2009

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25 HON. JEFFREY S. WHITE
26 United States District Judge